

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON ERB and ABIGAIL
KAIN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

HELEN ERB,

Respondent-Appellant.

UNPUBLISHED

March 27, 2007

No. 274091

Clinton Circuit Court

Family Division

LC No. 05-017900-NA

Before: Zahra, P.J. and Bandstra and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent apparently concedes that a statutory basis existed for terminating her parental rights. In any event, the Court notes that the evidence was sufficient to support termination. Respondent had on-going mental health and substance abuse issues.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court was obligated to terminate respondent's parental rights unless it appeared, on the whole record, that termination was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). While respondent concedes that "she clearly has issues," she argues that "the remedy the trial court ordered is not supported by the facts." We disagree. There was no evidence of a bond between respondent and the younger child, Abigail. The worker testified that Brandon was in therapy and accepted the fact that he would never live with his mother, but he still had a desire to know that she loved him. Brandon's therapist indicated that Brandon was concerned about his mother and that "termination will affect him." The therapist's report did not indicate whether she supported termination, but stated that Brandon was doing well. The worker believed that Brandon "misses his mother, and he does often try to stuff his feelings and not think about his mom because it

makes him feel sad, but he does understand that he can't be with her." Brandon had anxiety about his mother's welfare and took on some "adult-like roles" and responsibilities.

Respondent last saw the children in November 2005. The visits were stopped after respondent was removed by ambulance from the DHS office. She had ongoing episodes and was unwilling to complete drug screens on a consistent basis. The children had been under court supervision for 15 months, and respondent failed to make any real progress during that time. The children were entitled to permanence and stability.

We affirm.

/s/ Brian K. Zahra

/s/ Richard A. Bandstra

/s/ Donald S. Owens